

Docket No.: 30835/183230  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Christian Huitema et al.

Application No.: 09/955,923

Confirmation No.: 9393

Filed: September 19, 2001

Art Unit: 2142

For: PEER-TO-PEER GROUP MANAGEMENT  
AND METHOD FOR MAINTAINING PEER-  
TO-PEER GRAPHS

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Examiner: D. B. Blair

**DECLARATION OF CHRISTIAN HITEMA, ALEXANDRU GAVRILESCU,  
NOEL W. ANDERSON, AND XIAOHAI ZHANG, UNDER 37 C.F.R. § 1.131**

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

We, Christian Huitema, Alexandru Gavrilescu, and Noel W. Anderson, hereby  
declare the following:

1. We are the original, joint inventors of the subject matter claimed and disclosed in the above-captioned application.
2. Xiaohai Zhang, a named inventor in this application, could not be found or reached after diligent effort. We make this declaration on behalf of ourselves and the non-signing inventor. Filed herewith, a "Petition Under 37 C.F.R. § 1.47" establishes proof of the pertinent facts surrounding Xiaohai Zhang's absence as well as his last known address.

3. We have been informed that the above-captioned application, U.S. Application Serial No. 09/955,923 was filed September 19, 2001 (“the Application”).

4. We submit this Declaration for the purpose of providing evidence that the subject matter claimed in the Application was conceived and reduced to practice in the United States of America as of a date prior in time to May 16, 2001.

5. We have also been informed that U.S. Patent 7,185,194 to Morikawa et al. (hereinafter, “Morikawa” a copy of which is attached hereto as Exhibit “A”) was cited against the claims pending in the Application.

6. We have been informed that the effective date of Morikawa as an alleged prior art reference is May 16, 2001.

7. We have read and understood Morikawa, attached as Exhibit A.

8. To establish the conception date of our invention prior to May 16, 2001, we provide evidence in the form of a document (a copy of which is attached hereto as Exhibit “B”) which describes facts relating to each and every element of claims 1-11 as required by MPEP 715.07 to satisfy 37 C.F.R. §1.131. The exhibit describes the invention of the above-noted patent application, and specifically includes a description of peer-to-peer group management and a method for monitoring peer-to-peer graphs. In particular, the exhibit describes a method of forming a peer-to-peer group within a peer-to-peer cloud, the group having a plurality of peer nodes, the method comprising the steps of selecting at least one friendly name for the group (NAMEG), wherein the friendly name collectively identifies the peer-to-peer group; calculating a category identification (CID) for the group from the at least one friendly name; and providing the CID to at least one peer node within the peer-to-peer

cloud, wherein the CID allows the at least one peer node within the peer-to-peer cloud to communicate directly to the peer-to-peer group.

9. To establish a date of actual reduction to practice of our invention prior to May 16, 2001, in Exhibit B, we provide a document we prepared in the development of this application. The document indicates:

- a. Groups are collections of peers with a mutual agreement to distribute one or more types of information. Groups are characterized by a *group friendly name* NAME<sub>G</sub> and a *group ID* CID<sub>G</sub> (emphasis in original) (Page 1); and
- b. It may be useful to have a non-unique category ID based on a friendly name. NAME<sub>G</sub> may be transformed to a category ID CID<sub>NAME</sub> by performing a hash of the group friendly name with the seed GROUP (Page 1).
- c. Private groups are not intended to be easily discoverable. Those invited to join the group must know CID<sub>G</sub> to join (Page 2); and
- d. Potential member P learns CID<sub>G</sub> ... [c]ontact[s] the group member described in the search result and join[s] the group (Page 2).

10. By proposing and developing peer-to-peer group management and a method for monitoring peer-to-peer graphs to include the elements discussed above and disclosed in Exhibit B, we concluded, prior to May 16, 2001, that we conceived and completely reduced to practice at least the inventions recited in the pending claims, thereby satisfying the object of the present application as evidence of actual reduction to practice.

11. We created Exhibit B in the United States of America, where our invention was also conceived, prior to May 16, 2001.

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Docket No.: 30835/183230

12. All statements made herein of our own knowledge are true and all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and such willful false statements may jeopardize the validity of the application or patent issued thereon.

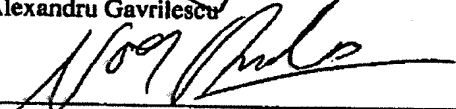
10/18/2007  
Date

  
Christian Huitema

10/16/2007  
Date

  
Alexandru Gavrilescu

10/18/2007  
Date

  
Noel W. Anderson

Dated: Oct. 18, 2007

Respectfully submitted,

By   
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